

REMARKS

The above-referenced patent application has been reviewed in light of the Non-Compliant Amendment mailed July 24, 2008 and the Advisory Action mailed February 12, 2008. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

In the Notice of Non-Compliance, the Examiner notes that claims that had been previously cancelled must be presented as new claims with new claim numbers. Accordingly, Applicant has cancelled claims 1-11 and 13, and Applicant has added new claims 54-65, which contain the contents of former claims 1-11 and 13. No new matter has been added.

As discussed in the March 12, 2008 Response, Applicant has amended claims 15, 28-31, 33-34, 36, and 51-52 for clarity. It is believed that these amendments are broadening, and thus, no prosecution history estoppel should apply. Applicant has withdrawn claims 35, 37-50. Currently amended claims 29-30, 34 and 36 are drawn to non-elected Groups. As such, Applicant will withdraw claims 29-30, 34 and 36 from consideration upon the Examiner's entry of claim amendments thereto. Claims 12, 14 and 16-27 remain cancelled. As such, claims 15, 28-34, 36 and 51-65 are currently pending for examination in this application.

Status of the Claims

Claims 15, 28-34, 36, and 51-53 are pending.

Claims 1-14 and 16-27 are cancelled.

Claims 15, 28-31, 33-34, 36, and 51-52 are amended.

Claims 35, 37-50 are withdrawn.

New claims 54-65 have been added.

In the Advisory Action dated February 12, 2008, the Examiner indicated that the Applicant should identify which claims are directed to the previously elected Group. Applicant identifies claims 15, 28, 31-33 and 51-65, as presently amended are directed to the previously elected Group.

Applicant further identifies that as amended, Claim 28 is believed to be a linking claim (see MPEP §809) between the restricted Groups. Accordingly and to preserve rejoinder, Applicant has amended claims 29-31, 33-34 and 36 which depend from claim 28, to incorporate dependant claims directed to elected and non-elected Groups. These amendments are not made to overcome any prior art rejection and are believed to be broadening. As such, prosecution history estoppel should not apply. Further, upon entry of the current claim amendments, Applicant will withdraw amended claims 29-30, 34 and 36 drawn to one or more non-elected Groups. However, if linking claim 28 is found to be allowable, Applicant reserves the right to rejoinder and examination of these claims in the present application, pursuant to MPEP §821.04.

Applicant withdraws claims 37-50 as drawn to a previously non-elected Group.

The Examiner indicated that the Applicant should identify where there is support for the elected claims or amend the claims for consistency with the previously elected Group. As currently amended, support for the elected claims may be found in at least paragraphs [0026]-[0031] of the specification, and corresponding Figs 1-3. For example, support for a form-fitting cover adapted to form a substantially air-tight seal over an object may be found at least in paragraph [0030]. For example, support for at least two material coupling members coupled to at least one portion of the form-fitting cover so as to form a substantially air tight seal over said portion of said form-fitting cover may be found at least in paragraph [0027]. For example, support for separation mating members to form a weather resistant closure (or protect against ingress of environmental elements) if closed may be found at least in paragraph [0028]. However, this support depicts merely one or more possible embodiments and claimed subject matter is not limited to these particular embodiments. This support is listed for the convenience of the Examiner and illustrative purposes only.

CONCLUSION

In view of the amendments and the remarks above, Assignee submits that this application is still in condition for allowance. Entry of this amendment and allowance of the application are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse action in any of the claims now pending in the application, it is requested that the Examiner telephone Katherine Horvath at (503) 439-6500 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Please charge any additional fees or credit any overpayment to deposit account 50-3130.

Respectfully submitted,
Berkeley Law & Technology Group, LLP

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